



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 26, 1998

Ms. Nanette G. Williams  
Assistant City Attorney  
Office of the City Attorney  
City of El Paso  
2 Civic Center Plaza  
El Paso, Texas 79901-1196

OR98-0550

Dear Ms. Williams:

You ask if certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 113339.

The City of El Paso (the "city") received a request for EMS records pertaining to the requestor's client. You have submitted to this office for review the responsive records. You assert that the information at issue is excepted from disclosure pursuant to section 552.103 of the Government Code.

The records submitted to this office are Emergency Medical Service ("EMS") patient records pertaining to the requestor's client. Access to these types of records is governed by statutes other than chapter 552 of the Government Code. *See* Open Records Decision No. 598 (1991) (section 552.103 litigation exception not applicable to documents where access is governed by provisions outside of Open Records Act). Section 773.091 of the Health and Safety Code (the "EMS Act") provides:

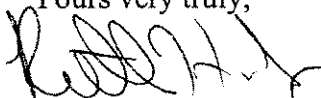
(b) Records of the identity, evaluation or treatment of a patient by emergency medical services personnel or by a physician providing medical supervision that are created by the emergency medical services personnel or physician or maintained by an emergency medical services provider are confidential and privileged and may not be disclosed except as provided by this chapter.

Section 773.093 of the Health & Safety sets out the conditions for release of such confidential patient information. Generally, EMS patient records must be released upon

the written consent of the patient. The written consent must specify (1) the information covered by the release, (2) the reasons or purpose for the release, and (3) the person to whom information is to be released. Health & Safety Code § 773.093(a). The EMS patient records may be released only as outlined under section 773.093. In this instance, the patient submitted a valid written consent for release of the requested information. Thus, the city must release the requested information pursuant to section 773.093 of the Health & Safety Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/SAB/ch

Ref.: #113339

Enclosures: Submitted document

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